

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL DYE #173569,

Plaintiff,

Case No. 09-14545

HON. BERNARD A. FRIEDMAN

vs.

JODI DEANGELO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge Mark A. Randon's Report and Recommendation dated June 16, 2010. Plaintiff filed an objection, Defendants filed a response to the objection, and Plaintiff filed a reply.

This Court had an opportunity to fully review this matter and the parties' filings, and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons. Plaintiff's objection regarding his retaliation claim is not persuasive because, as Magistrate Judge Randon explained, there is a lack of temporal proximity, and Plaintiff cannot establish a causal connection, between Plaintiff's alleged protected conduct and the claimed adverse action against him. The discovery Plaintiff seeks and the unpublished opinion he requests would not affect this conclusion.

ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Mark A. Randon's Report and Recommendation dated June 16, 2010, is hereby accepted and adopted.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment based on Plaintiff's failure to exhaust his administrative remedies is DENIED.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment based on Eleventh Amendment immunity precluding claims against them in their official capacities is GRANTED.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment based on Plaintiff's failure to state a claim of retaliation with regard to the Commutation Board's denial of his application is GRANTED.

DATED: July 22, 2010

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on July 22, 2010.

s/Deborah J. Goltz for Carol Mullins
Case Manager